

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ADRIAN SCHOOLCRAFT,

Plaintiff,

-against-

THE CITY OF NEW YORK, et al,

Defendants.

-----X  
**STIPULATION AND  
PROTECTIVE ORDER**

10-cv-6005 (RWS)

**WHEREAS**, Defendants have sought discovery of the raw survey data and other material relied upon and used by Professors Silverman and Eterno in conducting Silverman-Eterno Studies which Plaintiffs are producing of Defendants pursuant to the Court's Order,

**WHEREAS**, Plaintiff and Professors Silverman and Eterno deem the raw survey response data and other material relied upon and used by Professors Silverman and Eterno in conducting the Silverman-Eterno Studies confidential, have treated it as such, and object to the production of such raw survey response data and other material unless appropriate protection for its confidentiality is assured;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED** by attorneys for Plaintiffs and Defendants as follows:

1. The raw survey response data and other material relied upon and used by Professors Silverman and Etero in conducting the Silverman-Etero Studies shall be deemed to be “Confidential Materials.” Any materials obtained from sources other than Professors Silverman and Etero, or which are publicly available, shall not be deemed “Confidential Materials” and shall not be governed by this order.

2. The parties shall not use the Confidential Materials for any purpose other than for the preparation or presentation of plaintiffs’ or defendants’ case in the above captioned action (“this action”).

3. The parties shall not disclose the Confidential Materials to any person not a member of the staff of the parties attorneys’ offices, except:

a. Disclosure may be made to an expert who has been retained or specially employed by a party’s attorneys in anticipation of litigation or preparation for this action; members of the New York City Police Department Deputy Commissioner of Legal Matters (“DCLM”) office and supervisors of that office; members of the New York City Police Department Office of Management, Analysis and Planning (“OMAP”) office and supervisors of that office; members of the New York City Department Deputy Commissioner for Strategic Initiatives (“DCSI”) office and supervisors of that office.

b. Before any disclosure of the raw survey response data is made pursuant to subsection "a" above, the party's attorney shall provide each such person with a copy of this Stipulation and Protective Order and such person shall consent in writing, in the form annexed hereto as Exhibit A, not to use the Confidential Materials for any purpose other than in connection with the prosecution or defense of this case and to not further disclose the Confidential Materials to any person, except in testimony taken in this case. The signed consent shall be retained by counsel for the party disclosing the information and a copy shall be furnished to the other parties' attorneys upon their request.

4. Deposition testimony concerning any Confidential Materials that reveals the content of such materials shall be deemed confidential by all parties and the transcript of such testimony, together with any exhibits referred to therein, shall be separately bound with a cover page predominately marked "CONFIDENTIAL." Such portion of the transcript shall be deemed to be Confidential materials within the meaning of this Stipulation and Protective Order.

5. If any paper which incorporates any Confidential Materials or reveals the contents thereof is filed in this Court, those portions of the papers shall be delivered to the Court enclosed in a sealed envelope bearing the caption of this

action, an indication of the nature of the contents, and the following legend:

**CONFIDENTIAL**

This envelope contains documents or information designated confidential pursuant to an order entered by the United States District Court for the Southern District of New York in the above captioned action. This envelope shall not be opened or unsealed without the express direction of a judge of this Court and its contents shall not be displayed or revealed except as the Court may order. This envelope and its contents shall at all times be maintained separate and apart from the publicly available files of this case.

6. Within 30 days after the termination of this case, including any appeals, the Confidential Materials, including all copies thereof, shall be returned to the attorneys for the party that originally disclosed the materials or, upon their consent, destroyed, and all persons who possessed such materials shall verify their return or destruction by affidavit furnished to the attorneys who provided them with the materials. Counsel of record may, however, retain written discovery responses, attorney work product, depositions and their exhibits, as well as documents admitted into evidence or filed with the Court. This Order shall continue to be binding after the conclusion of this litigation.

7. The parties may seek modification of this Stipulation and Protective order by application to the Court for good cause shown at anytime during the course of this litigation.

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Dated: September 30, 2014  
October 1, 2014

SO ORDERED:

Robert W. Sweet  
ROBERT W. SWEET  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ADRIAN SCHOOLCRAFT,

Plaintiff,

-against-

THE CITY OF NEW YORK, et al.,

Defendants.

-----X  
**EXHIBIT A TO  
STIPULATION AND  
PROTECTIVE ORDER**

10-cv-6005 (RWS)

**EXHIBIT A:**

The undersigned hereby acknowledges that he/she has read the Stipulation and Protective Order entered in the United States District Court for the Southern District of New York in the action entitled *Schoolcraft v. City of New York, et al.*, 10 Civ. 6005 (RWS), and understands the terms thereof. The undersigned agrees not to use the Confidential Materials defined therein for any purpose other than in connection with the prosecution of this case, and will not further disclose the Confidential Materials to any person, except in testimony taken in this case.

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Date:

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Signature:

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Print Name:

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Occupation: